



New Jersey Department of Children and Families Policy Manual

Manual:	CP&P	Child Protection and Permanency	Effective Date: 11.2.2020
Volume:	IV	Out of Home Placement	
Chapter:	D	Kinship Legal Guardianship	Revised Date: 10.4.2021
Subchapter:	2	KLG	
Issuance:	400	Successor Guardian	

Purpose:

This issuance establishes policy and procedures for identifying the Successor Guardian and when the Successor Guardian is needed to become the Kinship Legal Guardian.

Authority:

- N.J.S.A. 3B:12A-1 Kinship Legal Guardianship
- N.J.A.C. 3A:20-1.1 Legal Guardianship

Policy:

A) Identifying the Successor Guardian

1. The role of the Successor Guardian is to assume care and guardianship of the child in the event the Kinship Legal Guardian (KLG) is incapacitated or deceased. The KLG shall identify a Successor Guardian when signing the subsidy agreement amendment. Placement with a Successor Guardian is contingent upon qualification under CP&P regulations and policy and other applicable law. See, CP&P [Form 4-8](#), **Kinship Legal Guardianship Subsidy Agreement**. CP&P shall make every effort to place the child in the home of the Successor Guardian as long as the placement is not contrary to the best interest of the child.
2. The Successor Guardian agrees to assume care and guardianship of the child should the Kinship Legal Guardian die or become incapacitated. The Successor Guardian shall reside in New Jersey.

3. The KLG parent can modify the Successor Guardian at any time by notifying the Department KLG Subsidy Unit at (866) 233-5356.

B) The Kinship Legal Guardian Incapacitated

1. The KLG parent is considered permanently incapacitated when he or she is deceased or there is a physical or mental illness or impairment that substantially limits or eliminates the KLG parent's ability to support or care for the child. CP&P may request medical documentation.
2. When the KLG parent is incapacitated or deceased, the Successor Guardian and the Division of Child Protection and Permanency (CP&P) are notified immediately.
3. CP&P shall assess the home of the Successor Guardian prior to placing the child. CP&P shall notify the court and cease subsidy payment to the incapacitated or deceased kinship provider by the next business day.

C) Licensing the Successor Guardian Home

1. Prior to placing the child in the home, the Resource Family Worker shall assess the home of the Successor Guardian to determine presumptive eligibility. See, [CP&P-IV-F-1-200](#), **IV-E-KLG**. See, [CP&P-IV-B-2-125](#), **Placing Children with Kinship Caregivers**.
2. The Successor Guardian and his or her home shall meet the requirements for licensing. See, [CP&P-IV-B-5-100](#), **Resource Family Home Initial and Annual Reevaluation Process**.
3. A child receiving subsidy shall reside in a CP&P approved home. Presumptive eligibility for the board rate begins when CP&P places the child with the Successor Guardian.

D) The Successor Guardian Becomes the Kinship Legal Guardian

The child shall remain in the home of the Successor Guardian for at least the last six (6) consecutive months or nine (9) of the last 15 months and the home is licensed for six (6) months prior to petitioning the court for Kinship Legal Guardianship.

E) Multiple Successor Guardians

At the signing of the KLG Agreement on [Form 4-8](#), **Kinship Legal Guardianship Subsidy Agreement**, the Successor Guardian shall become the KLG parent. As the KLG parent, he or she shall identify a new Successor Guardian to assume care of the child should the KLG parent become incapacitated or deceased. The Successor Guardian shall agree to become a licensed kinship home provider.

F) School Enrollment

The child shall be enrolled in school within 72 hours of the child entering the home of the Successor Guardian. The CP&P Worker shall enroll the child in

school. See, [CP&P-VII-A-1-700](#), **Education of Children in Out-of-Home Placement.**

G) Notifying Birth Parents

At the change of the child's the kinship legal guardian, the birth family is notified of the change in status. CP&P shall conduct an assessment of the parents to determine if there is a change in circumstances and provide services as necessary.

Procedures:

1) Successor Guardian Identified

When the KLG parent completes the CP&P Kinship Legal Guardianship Subsidy Agreement, the KLG parent completes the addendum identifying the Successor Guardian.

2) Role of State Central Registry

- a) The State Central Registry accepts the Child Welfare Services (CWS) referral and sends it to the Local Office for assessment. See [CP&P-II-A-3-300](#), **CWS Referrals**. SCR notifies the KLG Subsidy Program.
- b) The KLG, Successor Guardian, child, birth parent, or other adult contacts CP&P State Central Registry at 1(877) 652-2873 to notify CP&P of the change in circumstances and the need to place the child with the Successor Guardian.

3) Role of CP&P Worker

- a) The Worker assesses the home of the KLG caregiver to verify that the child can not return to that home. The Worker notifies the Resource Unit of the pending placement. The Worker places the child into the home of the Successor Guardian or an alternate home where the child will be safe. The Worker provides services to the child and family as necessary.
- b) The Worker completes the subsidy application prior to CP&P petitioning the court for the KLG. The Worker continues to supervise the placement until the Successor Guardian becomes the KLG caregiver.
- c) The Worker conferences with the Deputy Attorney General (DAG) at the time the Kinship Legal Guardian becomes incapacitated.

4) Successor Guardian Assumes Care of the Child

CP&P conducts the preliminary assessment of the Successor Guardian home, including all background checks. The child is assessed for services. The child remains in the care of the Successor Guardian and the custody of CP&P until the KLG is granted with the Successor Guardian.

5) Role of Licensing

The Office of Licensing in conjunction with the Resource Worker evaluates the home of the Successor Guardian for the purpose of licensing within six (6) months of the application. Upon Licensing and prior to KLG finalization an updated Title IVE review is completed.

Key Terms (Definitions):

- **Incapacitation** - Death or a physical or mental illness, defect, or impairment that substantially limits or eliminates the parent's ability to support or care for the child that is supported by medical documentation.
- **Successor Guardian** - A person identified by the Kinship Legal Guardian at the time of signing the subsidy agreement to care for the child in the event the KLG caregiver becomes incapacitated or dies. Placement with a Successor Guardian is contingent upon qualification under CP&P regulations and policy and other applicable law.

Forms and Attachments:

- CP&P [Form 4-8](#), Kinship Legal Guardianship Subsidy Agreement
- CP&P [Form 4-19](#), LO Manager Approval to Place in a Kinship Home (Prior to Joint Initial Assessment)

Related Information:

- [CP&P-II-A-3-300](#), CWS Referrals
- [CP&P-IV-B-5-100](#), Resource Family Home Initial and Annual Reevaluation Process
- [CP&P-IV-D-1-100](#), Overview of Services to Children Placed with Relatives by the Division
- [CP&P-IV-D-2-200](#), KLG Subsidy
- [CP&P-IV-F-1-200](#), IV-E-KLG
- [CP&P-VII-A-1-700](#), Education of Children in Out-of-Home Placement.

Policy History:

- 10.4.2021 - Revised
- 11.2.2020 – New Issuance